

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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J.D. SALINGER, individually, and as	:	
TRUSTEE OF THE J.D. SALINGER	:	09 Civ. 05095 (DAB)
LITERARY TRUST,	:	
	:	ECF Case
Plaintiff,	:	
	:	
-against-	:	
	:	
FREDRIK COLTING, writing under the name	:	
JOHN DAVID CALIFORNIA; WINDUPBIRD	:	
PUBLISHING LTD.; NICOTEXT A.B.; and	:	
ABP, INC. d/b/a SCB DISTRIBUTORS, INC.,	:	
	:	
Defendants.	:	
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**MOTION TO SUBSTITUTE PARTIES**

Pursuant to Fed. R. Civ. P. 25(a)(1), Plaintiff The J.D. Salinger Literary Trust (the “Trust”), joined by Colleen M. Salinger (“Colleen Salinger”) and Matthew R. Salinger (“Matt Salinger,” collectively with Colleen Salinger, the “Trustees”), request that the Court substitute “COLLEEN M. SALINGER AND MATTHEW R. SALINGER AS TRUSTEES OF THE J.D. SALINGER LITERARY TRUST” for “J.D. SALINGER, individually, and as TRUSTEE OF THE J.D. SALINGER LITERARY TRUST” as Plaintiffs in this action. In support of this motion, the Trustees state that:

1. Until January 27, 2010, J.D. Salinger was the sole trustee of the J.D. Salinger Literary Trust, an entity created on July 24, 2008 that has owned all intellectual property and other rights in the works of J.D. Salinger since that time. One of the works whose rights are owned by the Trust is *The Catcher in the Rye* (“*Catcher*”).
2. Mr. Salinger brought the present action, on behalf of himself and the Trust, alleging infringement of the copyright in *Catcher* and unfair competition.
3. On January 27, 2010, J.D. Salinger died. The Trust survived his death.

4. Upon J.D. Salinger's death, Colleen Salinger and Matt Salinger immediately became co-trustees of the Trust.

5. The rights sought to be enforced by the present action survived J.D. Salinger's death and are owned by the Trust.


6. Colleen Salinger and Matt Salinger, as co-trustees of the Trust, wish to continue the present action.

7. Defendants' counsel does not object to this motion.

**WHEREFORE**, for the foregoing reasons, Colleen Salinger and Matt Salinger request that the Court substitute "Colleen M. Salinger and Matthew R. Salinger, as Trustees of the J.D. Salinger Literary Trust" as the plaintiffs in this action.

Dated: New York, New York  
February 11, 2010

DAVIS WRIGHT TREMAINE LLP

By:   
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Attorneys for Substituted Plaintiffs Colleen M.  
Salinger and Matthew R. Salinger, as Trustees  
of the J.D. Salinger Literary Trust*